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SUMMARY RECORD OF THE 46th MEETING (SECOND PART*)

Held at the Palais des Nations, Geneva,
on Thursday, 27 February 1992, at 3 p.m.

Chairman: Mr. Ennaceur (Tunisia)

later: Mr. Nasseri (Islamic Republic of Iran)

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* The summary record of the first part of the meeting appears as document E/CN.4/1992/SR.46.

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RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN

(c) PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR

(d) DRAFT PROGRAMME OF ACTION FOR THE PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY (agenda item 22) (continued)

(E/CN.4/1992/45, 54, 55 and Add.1, 71 and 74; E/CN.4/1992/NGO/5, 14 and 32; E/CN.4/1991/51; E/CN.4/Sub.2/1991/41 and Corr.1; CRC/C/7)

1. Mr. BELSEY (World Health Organization) said that the World Health Organization saw the Convention on the Rights of the Child as a reaffirmation of its policies, as reflected in the definition of health and the recognition of health as a human right set forth in WHO's Constitution.

2. The rights of children to health care, including the right to maternal health care, were not merely a matter of access to preventive or curative medical technologies, medications and other treatments. The denial of education or the abuse or exploitation of children would also take its toll in terms of the physical, mental and social health and well-being of the present and the next generation, thereby perpetuating a cycle of disease, poverty and ignorance.

3. WHO was actively assisting States parties to attain and maintain the health-related rights reflected in article 24 of the Convention. Progress in that regard was being monitored as one of the goals of Health For All by the Year 2000, with Member States helping to define and apply appropriate indicators. WHO was also active in advocating support for the ratification, implementation and monitoring of the Convention.

4. As far as its limited resources permitted, WHO was promoting and supporting applied research on indicators and action for children in vulnerable and difficult circumstances who had special health needs not readily met by existing health structures and approaches. Unfortunately, given prevailing social and economic constraints, the lip-service paid to children's needs was seldom matched by resources.

5. Within the framework of article 42 of the Convention, WHO was competent to provide pertinent information for monitoring purposes. The monitoring of some aspects of child health had shown great progress, such as the attainment of an 80 per cent level of immunization in most countries. In some areas of the world, however, more women were dying in childbirth and more infants were born malnourished than had been the case five years previously.

6. In recognizing the inherent links between its Health For All goals and the rights of the child proclaimed at the World Summit for Children, WHO had affirmed its commitment to promoting the Convention as an instrument for their

attainment. It called upon those outside the health sector to join with it, with national authorities and with non-governmental organizations in providing the resources and the social momentum and commitment for the achievement of those common goals.

7. Mr. MBARUSHIMANA (Observer for Rwanda) said that his country had become a signatory to the Convention on the Rights of the Child on 26 January 1990 and had ratified it on 24 January 1991. The President of Rwanda had personally attended the World Summit for Children, held in New York on 29 and 30 September 1990, and Rwanda had subscribed to the World Declaration on the Survival, Protection and Development of Children and to the ad hoc programme of action resulting from the Summit. All that amply proved his Government's attachment to the survival, protection and development of children, a policy that was rooted in the national mentality. Furthermore, certain rights of the child were set forth in the Rwandese Constitution, inter alia, in article 24, paragraph 2, and article 27.

8. As was the case in all developing countries, however, children in Rwanda faced many problems, such as endemic diseases, malnutrition and lack of decent housing and access to drinking water, which hindered effective enjoyment of their rights under the Convention. In collaboration with its bilateral and multilateral partners, particularly UNICEF, the Government of Rwanda had striven to implement policies involving the promotion of food self-sufficiency, the construction of health and food centres, maternal and child health, extension of vaccination programmes, with a view to improving children's living conditions, and the provision of drinking water. Since the convening of the World Summit for Children, those policies had been further strengthened and a number of national associations had been created with the principal aim of helping the poorest children enjoy the rights embodied in the Convention. The Government had also set up a National Commission responsible for monitoring the programme of action. That Commission had been requested to draw up a programme of specific measures to be taken at the national level with a view to honouring the commitment made by the Head of State when signing the World Declaration. The Government of Rwanda thus appealed to the international community to assist in financing those measures.

9. It was sad to note that, despite the Government's efforts, a significant number of Rwandese children were unable to enjoy their rights because of the war that had afflicted the country since 1 October 1990. Children living in the regions bordering on Uganda had been murdered, forcibly conscripted into the ranks of the Inkotanyi Patriotic Front or forced to take refuge in camps for displaced persons, where they lived in inhuman conditions. Most had been orphaned after witnessing the slaughter of their parents or guardians. In that regard, he drew attention to the murder of two nuns, one French and one Romanian, at Rushaki, reported by Agence de Presse Internationale Catholique the previous day. He called on the international community to assist his Government in halting the war so as to enable those children to develop to the full.

10. He concluded by stressing that the exploitation of child labour was severely punished under Rwandese labour legislation and that the sale of children, child prostitution and child pornography were unknown in Rwanda.

The international community and the Commission should condemn sex tourism, which was on the increase, and which was helping to spread AIDS, particularly among the world's children.

11. Mr. BELHADJ (Observer for Morocco) said that children of the present generation embodied mankind's hopes for the future and that it was thus particularly important to protect and promote their rights. Those rights were under threat from activities such as the sale of children and their exploitation for immoral or inhumane purposes.

12. Efforts by the International Labour Organisation, Governments and non-governmental organizations had, if not halted the phenomenon of child labour, at any rate prevented its spread. As child labour still persisted, it must be combated through the preparation of social, economic and political legislation reconciling legal and political issues.

13. Child prostitution was all too prevalent, since destitute families saw it as their only escape from poverty. A further problem requiring regulation was the unacceptable and repugnant practice of using children in military operations. Those scourges could not be contained by legislation alone. National and international efforts must thus be synchronized and strengthened, through the development of policies based on education, health, training, social solidarity and mutual aid.

14. The problems facing children in the developing countries were the result of the economic and social situation, exacerbated by demographic growth and a lack of resources, which threatened the family, the basic unit of society. Morocco was not stinting in its allocation of resources for the economic, social and cultural promotion of children and for health and education and a chapter of its Penal Code devoted to crimes and offences against the family and public morals included 55 articles relating to the rights of the child in areas ranging from abortion to prostitution.

15. Moroccan legislation had thus not neglected that essential aspect of the rights of the child, even before the drafting of the Convention. It was now ready to harmonize its instruments in line with modern needs and had decided to take various measures, including the creation of a National Commission to prepare the initial report of Morocco for submission to the Committee on the Rights of the Child. A national campaign had also been launched to enhance public awareness of the issue. In recent years, Morocco had held a series of symposia and seminars, including a North African symposium on the reduction of disparities between girls and boys in education, vocational training and health, under the auspices of the Association Marocaine de Soutien au Fond des Nations Unies pour l'Enfant (AMS-UNICEF) and its sponsor, Princess Lalla Meriem. Morocco had also supported the proposal made at the Fourth Francophone Summit, held in Paris in November 1991, for the convening of a ministerial conference to draw up a strategy for the achievement of the goals of the World Summit for Children. On 3 February 1992, his Majesty the King of Morocco had signed the World Declaration on the Survival, Protection and Development of Children. In tandem with the royal initiative, AMS-UNICEF had organized a campaign on the theme "Children First", aimed at expounding

the World Declaration, coordinating efforts to adopt a plan of action to ensure its implementation and making the Convention on the Rights of the Child better known.

16. Ms. PEREZ (Brazil) said that President Collor had taken an active part in the World Summit for Children and that the 1988 Federal Constitution had incorporated a provision assigning top priority to the rights of the child. In 1990, Brazil had adopted the Statute of the Child and the Adolescent, a law qualified by UNICEF as one of the most advanced of its kind in the world.

17. All Government policies regarding child protection and promotion were coordinated by the Ministry of the Child, one of whose pillars was the Brazilian Centre for the Child and the Adolescent (CBIA), an institution created in 1990 specially for the protection of deprived minors. In December 1991, a special Fund and a National Council for the Rights of the Child had been created. The Council was responsible for monitoring the implementation of the Statute and the Fund financed programmes for the protection of street children. Contributions to the fund were tax-deductible.

18. The Government used every possible means to encourage the participation of civil society in the protection and promotion of children's rights. An Executive Group composed of representatives of CBIA, the Attorney-General of the Republic, the Catholic Church, non-governmental organizations and UNICEF established goals and strategies for implementation of the Statute. In April 1992, the Executive Group would be meeting with the State Governors with a view to launching activities such as media campaigns on child health care, a televised basic education programme and a project to support street children in Rio de Janeiro. It was also planning to submit a petition with 1 million signatures to the National Congress, calling for sanctions for failure to observe the Statute. Another important measure was the extension of food programmes in State schools, with assistance from the Food and Agriculture Organization of the United Nations. In most State schools in Brazil, children already received one full meal a day. Many schools were now also providing meals during vacations. The Government had launched an ambitious project to create schools capable of providing comprehensive assistance to pupils in the form of day care, workshops, sports, legal, social and medical assistance and accommodation for homeless children. Several such schools were already functioning in the State of Rio de Janeiro. The first such school at the federal level had opened at the end of 1991.

19. The Government was making great efforts to deal with the problem of violence directed against street children. Early in 1991, a National Plan to Combat Violence Against Children and Adolescents and a Commission to implement it had been created. The Commission was chaired by the National Secretary for Human Rights and Justice and was composed of governmental authorities and representatives of the judiciary, the Catholic Church, non-governmental organizations and the Bar Association. One of its main tasks was to put an end to impunity for offenders. An attorney had recently been nominated to assist local courts in prosecuting criminals involved in violence against children. All State capitals now had an attorney responsible for monitoring the prosecution of individuals charged with crimes against children.

20. A sociological research institute at the University of Sao Paulo was setting up a database to assist the National Commission in its work. Some 600 councils for the defence of children's rights already existed at the State and municipal levels, though that number fell far short of meeting the needs of a country with about 60 million children.

21. Police training was another area where much had to be done. The Statute called for a totally new approach to juvenile offenders and street children, requiring special training for the police. Seminars had been held and special police centres created for that purpose.

22. Convinced of the urgent need to deal with the problems of children, the Brazilian Government had invited Mr. Muntarbhorn, Special Rapporteur on the sale of children, child prostitution and child pornography, to visit Brazil. His recommendations would be carefully considered by the Brazilian authorities, although it would be unrealistic to expect dramatic improvements in a short time. The Government had recently initiated a programme to employ 5,000 deprived youngsters between the ages of 12 and 18 in State-owned enterprises. Another project, for the vocational training of street children, was being drawn up with financial assistance from the German Government and ILO. It was to be hoped that developed countries and non-governmental organizations that showed a special interest in the problems of Brazil's street children would not confine themselves to criticism, but take positive steps to assist it in furthering its initiatives on behalf of children.

23. Mr. GROSSE (International Federation of Human Rights) said that his Federation, which had just carried out a mission to the State of Rio in Brazil to investigate the killings of street children, agreed with the conclusion of the Special Rapporteur in paragraph 10 of his report (E/CN.4/1992/55/Add.1) that the fact that such killings persisted and that many of the perpetrators remained at large was a most disquieting sign of the times, and also with his recommendation that international organizations should take greater interest in the issue.

24. His Federation welcomed the fact that the Brazilian Government had enacted a Statute for the protection of children which paralleled the provisions of the Convention on the Rights of the Child. The gap between reality and the intentions behind the Statute, however, was still enormous.

25. The Federal Police put the number of summary executions of children in 17 States of Brazil at approximately 4,600 between 1988 and 1990, but the real figures were certainly much higher, apparently because the police statistics until the end of 1990 referred only to the number of cases and not to the actual numbers of children killed. Moreover, the category of "attempted homicide" in fact covered actual homicides, giving a total of 442 such killings in 1991, a figure which did not, however, take account of disappearances and kidnappings. It was evident from those discrepancies that the authorities were embarrassed by the sheer scale of the problem and that they were reluctant to investigate the causes of the killings, which they generally ascribed to the increasing involvement of young people in delinquency and drug trafficking.

26. It had been clearly established that in many cases minors had been summarily executed for other reasons: for example, in December 1991, 30 juveniles had been executed in greater Rio, but only 3 of them were known to the Juvenile Court judge. In 70 per cent of such cases, the perpetrators were not brought to book; that was one major reason why the killings continued, another being the intimidation of witnesses. It was surprising to note that no official inquiry had been instituted and regrettable that no information was forthcoming on the numbers of persons sentenced for such crimes.

27. In conclusion, he said that machinery must be established to ensure proper implementation of the Statute protecting children, especially at the municipal level, and that the bodies responsible must be allocated adequate resources. Accurate statistics should also be made available.

28. Ms. BRON (World Organization against Torture) said that her organization represented a network of 150 non-governmental organizations throughout the world which had requested it to take action against torture, with particular reference to the torture and assassination of street children, especially in Brazil; forced labour of children in inhuman and degrading conditions; the sale of girls and boys for prostitution; the forcible recruitment of children in armies engaged in conflict; and the use of torture in the interrogation of minors.

29. The phenomenon of street children was common to numerous developing countries, but had attained alarming proportions in certain Latin American countries, and particularly Brazil and Guatemala, where death squads were systematically eliminating those they considered to be future criminals. In Brazil, according to recent estimates, 461 children, principally street children, had been assassinated in 1991, while, in Guatemala, large numbers of children were regularly exterminated by death squads and national security forces. Such assassinations were perpetrated with complete impunity by groups which, if they did not incorporate members of the police force in their ranks, at least enjoyed a large measure of police support. Such a scandalous situation required an urgent reaction on the part of the international community.

30. Poor children and children living in the street were the victims of other abuses, such as exploitation, prostitution and slavery. India's record in respect of child labour was particularly sorry, with some 20 million children in 1988 working in extremely difficult conditions, to the detriment of their education, health and dignity. The Constitution of India provided for compulsory schooling up to the age of 14 years and formally prohibited the employment of children under 14 in factories, mines and other activities considered to be dangerous for children. Child labour was none the less gradually being institutionalized as a necessity for the economic development of the country and a substantial number of children, some of them little more than 4 or 5 years old, were daily subjected to heavy work and, frequently, ill-treatment. They were a particularly prominent element in the workforce in the textile industry, where chemical dyes and woollen fibres were regarded as extremely harmful for the lungs, eyes and skin. They also represented

one fifth of the labour force in the glass industry, quarrying and brickmaking, in which there was a high risk of industrial injury. In all those sectors, children were working for an average of 14 or 15 hours a day for derisory wages.

31. Many children were not in fact paid at all. The transmission from generation to generation of debts contracted within a family tended to perpetuate a system of slave labour. Furthermore, the sale of children was a very widespread practice which met with general indifference. Children in such cases were effectively slaves, obliged to work without remuneration in inhuman conditions and without the possibility of changing their job or moving to another place.

32. Child slavery was also the basis for another flourishing form of trade, namely, the sexual exploitation of children. Very young girls were abducted or sold by their parents to be placed in brothels. In India, some 20 per cent of the 2 million prostitutes were children and, in Thailand, the figure was even more alarming: out of 2 million prostitutes, 800,000 were thought to be children under 16 years. The traffickers enticed, bought and even kidnapped women and girls for purposes of prostitution and the authorities took no effective action to prevent them from doing so. Tourism played a major part in the upsurge in child prostitution.

33. To combat such grave and widespread violations of the rights of the child, the Commission should undertake concerted action with the various bodies engaged in financing development in order to ensure that they took greater account of the status of vulnerable groups, particularly children.

34. Turning to the issue of child soldiers, she said that tens of thousands of children, some of them barely seven years old, had been recruited for armed combat and many had been maimed or killed. Many had suffered severe psychological trauma and large numbers were still detained in prisoner-of-war camps.

35. While some children voluntarily joined their country's armed forces or guerrilla groups through conviction or in the hope of finding shelter and food, many were recruited by force or through kidnapping or threats. That was a particularly detestable form of slavery which plunged innocent and defenceless beings into the horror of war. Particularly alarming information had been received regarding Myanmar, Ethiopia, El Salvador and Guatemala.

36. In conclusion, she drew the Commission's attention to the situation of the rights of the child in Turkey, where there had been repeated reports of the use of torture in the interrogation of minors accused of political or criminal offences. Dozens of extremely serious cases of the torture of minors had been brought to her organization's attention. Minors suspected of political opposition were regularly tried before adult courts and held in prisons for adults and extremely heavy penalties, sometimes of up to 15 years' imprisonment and even the death penalty in the case of Kurdish children, had been imposed on such minors. Clearly, Turkey was in grave breach of its commitments at the international level regarding the use of torture and,

more specifically, the ill-treatment of children. It had signed, although it had not yet ratified, the Convention on the Rights of the Child. Her organization called on the Turkish Government to ratify the Convention without delay and to take all the necessary measures to comply with its obligations.

37. It was profoundly discouraging to note the apathy of Governments towards the problem of the exploitation and slavery of children. For the most part, they were fully aware of the inhuman conditions in which many children were forced to work, but, in most countries, legislation regulating and limiting child labour was not complied with in practice, a situation which all Governments should be called upon to deal with as a matter of urgency.

38. Mr. Nasseri (Islamic Republic of Iran) took the Chair.

39. Mr. FREDERICK (Peace and Justice Service in Latin America) said that children in Latin America were among the main victims of the difficult economic situation in that region. As a recent UNICEF report on the situation of children in Argentina in the early 1990s had shown, more than 1 million children in that country were obliged to work in order to survive and 6 million were living in the street without family ties. Infant mortality was high and access to health and social welfare services meagre. Cholera was becoming epidemic. Reductions in public expenditure on education had also contributed to the deteriorating educational standards of children, who in many cases suffered from inadequate nutrition. There was no doubt that the Government's economic adjustment policies had played a considerable part in bringing about a situation in which the most vulnerable sectors of the population were at great risk.

40. The situation of children in Brazil was extremely precarious and the problem of violence against street children was a matter of serious concern, as could be seen from the Special Rapporteur's report contained in document E/CN.4/1992/55/Add.1. The police were especially brutal in their treatment of suspected young offenders: black children and girls were particularly liable to physical abuse and, in the latter case, to rape. The most shocking statistic, however, was that, in 1991 alone, 411 children had been assassinated in 11 different States of Brazil at the hands of death squads which were directly linked to the police and the military. Evidence indicated that in some instances such assassinations were regarded with tacit approval in business and political circles.

41. The Convention on the Rights of the Child could not succeed in protecting children against such abuses unless machinery was established to mitigate the adverse impact of economic readjustment policies on the enjoyment of human rights and to bring those responsible for atrocities against children to justice.

42. Mr. OZDEN (Centre Europe-Tiers Monde) said that all the international agreements and declarations on the rights of the child affirmed that children had the right to food, housing, parental care, medical services and education. However, in both the developed and the developing world,

children often found it difficult even to survive. It should be borne in mind that situations which were harmful for adults were doubly so for children, particularly situations involving war, displacements of populations, migration and exile.

43. One problem which was by no means confined to the third world was child prostitution. Although statistics were of necessity approximate, it appeared that child prostitution was becoming an increasingly widespread form of exploitation, with large child prostitute populations in such countries as Thailand, the Philippines, Brazil and Sri Lanka. There was also evidence of substantial numbers of child prostitutes in major cities of the developed world, such as Paris and New York. His organization supported such measures as the Swiss campaign against child prostitution and asked the Commission both to invite States, including Switzerland, to ratify the Convention as soon as possible, preferably without reservations, and to urge countries to comply with the commitments they undertook thereby.

44. It should constantly be borne in mind in the context of human rights that children were always the first victims of repressive regimes. Mention might be made in that connection of recent violence by the military against children in Haiti, where a group of 20 young people had been executed on 22 November 1991.

45. In Turkish Kurdistan, Kurdish children had always been persecuted. According to a report prepared by Helsinki Watch and issued in January 1992, there were many examples of intimidation, brutality and torture of children by the Turkish military, despite the protests of human rights organizations both in Turkey and abroad. Turkey was undoubtedly infringing the Convention on the Rights of the Child, to which it was a party. Mention should also be made of the precarious circumstances of Kurdish children in Iraq, particularly since the Gulf war, and of the fate of Saharan children detained together with their parents in Moroccan prisons.

46. Lastly, it should not be forgotten that, wherever there were refugees, there were refugee children. For example, the thousands of refugees from Burundi who had found refuge in Zaire and Rwanda included children who were innocent victims and who were paying the price of the war that was ravaging their country. His organization reiterated the call for dialogue between all the parties to the conflict so that the refugees could return to their homes.

47. Ms. BECK (World Movement of Mothers) said that her organization shared the concern about children expressed by many speakers. Everyone was aware through the media that the situation of those innocent human beings had become critical. There was a striking contradiction between the concern rightly shown towards them and the contempt with which they were eliminated by preventing their birth. For one reason or another, abortion had become commonplace in many countries, despite the right to life recognized to everyone both before and after birth, and it had even been legalized without regard for the irreversibly damaging effects that could have on the lineage of those concerned.

48. In one way or another, millions of children were in danger, but social organizations and individuals throughout the world were working tirelessly to bring the children and their families out of their physical and moral plight of ignorance, homelessness, exploitation, delinquency or prostitution in order to restore their dignity and, if possible, their well-being. It was that network of solidarity that her organization most appreciated and encouraged.

49. Such organizations included an association of Cuban mothers working outside any political context. In Cuba, as everywhere, it was the children who were most affected by hardships resulting from the economic blockade against the country. The relief afforded by the arrival of medicines primarily benefited the hospitals, to which the population had little access because it lacked the necessary financial resources. Pending the reconciliation of the Cubans and the end of the conflict, she hoped that the parties concerned would do everything possible to ensure, through the Commission, that the lives and health of families and children were given urgent and priority consideration.

50. Moving statements were often made in the United Nations about child prostitution and sex tourism, which were rife in some countries. The enormous and scandalous profits derived from such criminal abuses made them hard to combat. In the so-called developed countries, children were subjected to moral aggression even within the family as a result of the distribution of pornographic cassettes. Radio and television stations sometimes broadcast shocking programmes and there were now pornographic telephone services. In France, the pornographic telephone and Minitel had been in operation for a number of years. The police had recognized the role such services played in incitement to debauchery and paedophilia. Outraged citizens had instituted legal proceedings. In July 1991, the Amiens Court of Appeal had unequivocally condemned some persons who were responsible for their use. The Minister of Finance intended to place a 50 per cent tax on pornographic services. He should be commended for doing so.

51. In October 1991, the Swiss postal, telegraph and telephone administration had brought into service the "Télékiosque 156" line, which transmitted, inter alia, obscene recorded messages, incitements to homosexuality, etc. Publicity for such lines had appeared on television and in the press. That was a genuine danger for children, who knew only too well how to use the telephone and were often alone at home. Pornography and prostitution rings were responsible for most of those erotic services. That was not to the credit of the Western countries and should not be imitated by others.

52. Mr. GOTTLICHER (World Movement of Mothers) said that there were more than 720,000 refugees in Croatia, many of them children, who had been cast out of their homes and their homeland. It was impossible to imagine how they would live in strange places where they felt they did not belong. They were deeply unhappy. All they now had to depend upon was their own lives and the mercy of others. Many of them did not know what had happened to their families. They had lost all the beauty of life and all joy and happiness. He had seen many child refugees who had lost not only their homes, their homeland, property and loved ones, but also their faith in mankind and in the goodness of man. It was only possible to speak to them of love, compassion,

tolerance and respect for others if, in doing so, it was possible to save them and return them to their homes and all that they had lost. Even if that were done, things would never be the same for them as before. Some of the little children had said that they would like to go back to the period when they were younger and happy, while many of them had said that they seemed to be dreaming. Something terrible, irrational and divorced from life had indeed become their reality. Little children all over Croatia, particularly those who had witnessed the killing of their parents, were terrified and deeply disturbed. The Croatian people appealed to the Commission to help them to achieve peace in a more humane and harmonious world, in which there was love and compassion, tolerance and respect for others, and to help them to bring the children back to their homes and restore to them what they had lost.

53. Ms. BUWALDA (International Association for the Defense of Religious Liberty) said that 100 million children were living, working and sometimes dying on the world's streets. The twentieth century phenomenon of street children was visual evidence of the explosive growth of the world's cities in which street children were both the victims and products of emerging societies, being exploited, starved, sold into slavery, forced into prostitution and violent conflicts, brutalized, maimed, tortured and even murdered. Those members of society who were the most vulnerable and most in need of care were tragically those most at risk.

54. In Guatemala and Brazil, children and young people had been murdered and it had been reported that death squads were executing them in a campaign to "clean up the streets". Equally disturbing was the apparent inability of the authorities to investigate those murders and prosecute the persons responsible.

55. In Guatemala, Nahaman Carmona Lopez, aged 13, had been kicked to death by policemen in March 1990. He had been left with bruises over 70 per cent of his body, stab wounds, six fractured ribs, two broken fingers, open head wounds, a ruptured liver and severe brain damage and had had glue poured over his head. It had taken him 10 days to die. Four policemen involved had been sentenced to 15 years' imprisonment, but, in August 1991, the Third Appeals Court had annulled the sentences because of a technical error and the policemen awaited resentencing. That was only the second time in Guatemala's history that policemen who had murdered street children had been brought to trial and sentenced.

56. It had been reported that 53 incidents involving crimes against street children, including murder, had occurred in Guatemala City between March 1990 and October 1991. Fifty-one cases, of which 48 were pending, had been brought before a court. Three had been considered closed, one had been dropped, in another the police officers concerned had received only a warning from the court and in yet another those involved had received three-year prison sentences. In most cases where the culprits had been identified, they had been found to be members of the Guatemalan police force or private police officers licensed by the authorities.

57. People who defended the rights of children in Guatemala became targets. In August 1991, Bruce Harris of Casa Alianza, who had brought to light atrocities against children and endeavoured to institute court proceedings

against the perpetrators, had reported that, on 18 July 1991, four armed men had threatened to shoot him and kill the staff and children at the centre where he worked. They had later sprayed the building with machine-gun fire. Bruce Harris now wore a bullet-proof vest when walking in Guatemala City.

58. President Jorge Serrano Elias had acknowledged that street children needed special protection. Guatemala had ratified the United Nations Convention on the Rights of the Child, but the Government had done little to safeguard children. Government offices responsible for investigating cases and prosecuting the perpetrators were short of staff and resources. Special sections on children should be established in the ministry concerned and in human rights attorneys' offices.

59. Death squads in Brazil had executed children and mutilated some of them almost beyond recognition. It had been reported that in 1991 four gunmen had tied up, brutally tortured and killed seven street children, aged between 9 and 17, for allegedly stealing a pair of tennis shoes and carrying weapons. A 16-year-old girl who had miraculously survived had testified to their brutal torture. That incident would test Brazil's commitment and attitude towards the plight of street children. The time had come to establish a framework of social and economic justice. Her organization recognized the Government's efforts to correct the legal and social environment in which the street children attempted to survive: the Government had ratified the United Nations Convention on the Rights of the Child, adopted a National Child Protection Law in 1990, created a Ministry of the Child in October 1991, held a Children's Day in memory of the victims of violence, provided funding for the implementation of hotline programmes and proposed various other initiatives. Although those efforts must be applauded, much remained to be done. It had been reported that federal funding for children had been reduced in 1991. Such support should, on the contrary, be increased and the provisions of the Penal Code concerning crimes against children must be more effectively enforced. The Brazilian Government must make it clear to civil and military police forces and death squads that the killing and abuse of street children would be severely punished. Her organization had discussed those matters with the Brazilian delegation, which was responsive to the problem.

60. Global statistics showed that, by the year 2000, half of the world's population would be under 25 years of age; 35 per cent of the total population of developing countries would be under 14; the number of abandoned children was expected to double; and more people would be living in cities than in rural areas. The plight of street children was clearly a global challenge that required a determined and coordinated response.

61. Her organization appealed to all participants in the Commission to help put an end to the killing of street children and to undertake at the Government level to investigate and prosecute perpetrators of violence against children; called on Guatemala and Brazil to comply with the principles and objectives of the Convention on the Rights of the Child and to promote campaigns aimed at respect for the fundamental rights of children, to uphold the relevant international laws protecting children's rights and to prevent members of the public and the security forces from breaking laws for the protection of children; and urged that a framework of social and economic

justice should be established, with emphasis on preventive health care, and that global responsibility for the phenomenon of street children and their violent and impoverished environment should be acknowledged.

62. Ms. DROZ (International Abolitionist Federation), referring to the serious problem of child prostitution, particularly in the context of sex tourism, and the campaign launched against it in several European countries, said that a basic text prepared by a working group in Switzerland described child prostitution as violence against children, hundreds of thousands of whom were sexually exploited in the streets or in hotels. The major causes of increased child prostitution were to be found, firstly, in the impoverishment of large sectors of the third world population, in its financial attraction for the local privileged classes and foreign investors, in tourism, particularly sex tourism, and in the imperialism of the Western consumer society, which corrupted the rural population and the middle classes alike.

63. The sex industry had grown alarmingly in Latin America, Africa and the Caribbean. A world campaign against child prostitution had therefore been launched in May 1990 by child protection organizations, women's associations and the Asian churches, which had requested that the causes of the problem should be considered in Switzerland, as a tourist country of origin. Several other countries had launched similar campaigns. Press conferences were to be held from 24 to 30 April 1992, together with exhibitions and demonstrations in all regions.

64. Child prostitution through sex tourism was closely linked to sexual violence against children. The sexual exploitation of children in the third world and in Switzerland and all other European countries was the result of the abuse of power by adults. Sex tourists profited shamefully from the enormous gap between North and South.

65. The Swiss campaign called for the immediate ratification of the United Nations Convention on the Rights of the Child. The Federal Council and Parliament were being urged to guarantee the implementation of the commitment entered into by such ratification and to bring Swiss legislation into line with the Convention. The campaign further called for an equitable foreign, economic and monetary policy and additional development cooperation funds; for therapeutic support for victims; for preventive measures, including continuous training for people working in the social, educational, medical, legal, police and tourism sectors, as well as school information programmes, parents' training courses and scientific research; for the prohibition of the production, import, trade in, possession or use of child pornography, including the use of photographs or voice recordings of children for abusive purposes such as publicity; and tourist information and sanctions against travel agencies that encouraged prostitution through their brochures.

66. She urged the competent authorities and the Commission on Human Rights to support and encourage the ongoing campaigns against child prostitution and sex tourism.

67. Ms. DIECKMANN (International Federation Terre des Hommes), speaking on behalf of 15 non-governmental organizations, said that sexual violence against children, together with child prostitution and pornography, was found among men living in patriarchal social systems who considered women and children as their own property, as well as among those living in a capitalist society where everything, including sex, love and affection, could be bought at a price. The economic imbalance of North and South had also produced sex tourism, which had greatly increased child prostitution and could be considered as a further form of colonization. In that context, child prostitution should be seen as a type of child labour.

68. Local organizations in Asia rightly claimed that sensational reports in the Western media about child prostitution relating to sex tourism in Asia stigmatized their countries. In an international campaign in Thailand to end child prostitution in Asian tourism, they had stated that it was men from the West who had caused that tragic development and had called upon sending and receiving countries to join the campaign. Tourists from Germany, which ranked second among the European sending countries, were those who spent the most money.

69. In March 1991, German-sponsored organizations had funded a campaign against child prostitution in relation to tourism in Asian, Latin American and African countries. Information should be provided and questions should be raised about the causes and effects of child prostitution in tourist-receiving countries. It must be made clear that child prostitution was a form of violence against children and therefore a crime. Perpetrators in Germany were aware that child sex abusers were rarely prosecuted or sentenced. German offenders in foreign countries could only be prosecuted under German law when the abused child and the offender were resident in Germany. In all other cases, the country in which the crime had been committed was responsible for prosecution.

70. The German Federal Secretary of Justice had drafted a bill for the punishment of Germans in foreign countries who had sexually abused foreign children. Public awareness had increased as a result of that first step, but that might not bring about a basic improvement, since the threat of prosecution did not necessarily lead to a feeling of guilt, a change in behaviour or a change in attitude towards authority. Prosecution would only make sense if it helped to prevent future abuse. The possibility of providing for the victim to claim compensation under civil law was being explored, since it could have a more punitive and lasting effect on the perpetrator. It was also possible for a federation to take legal action under the civil law. That right should likewise be provided for in the criminal law. Bilateral agreements could speed up proceedings. What was most needed was to break through society's silent acceptance of the problem.

71. In the German campaign against child prostitution, attention had been drawn to the relationship between child abuse through sex tourism and child abuse in Germany itself, since it could be assumed that some offenders abused children both in Germany and in the countries of the South. The men concerned were from all sectors of society. Of 22,963 registered crimes of violence against children in the former western part of Germany in 1990, 16,000 had

been cases of sexual abuse. The number of estimated unnotified cases was between 50,000 and 300,000 annually. Three quarters of the offenders were family members, of whom a third were fathers. In 1990, 11,963 girls and 3,973 boys had been sexually abused, 877 girls and 367 boys being under the age of 6. Eleven girls of 14 years of age and under had been raped. There again, the number of unnotified cases was estimated to have been much higher. It was further estimated that some 5,000 to 30,000 minors were among the estimated 100,000 to 300,000 prostitutes in Germany. They included children and juveniles who were prostituting themselves for drugs; child and juvenile runaways who were trying to survive through prostitution; and children and juveniles in dependent relationships in which they were forced into prostitution or pornography. Children often prostituted themselves in areas close to railway stations, as in the case of the Bahnhof Zoo in Berlin, where some 80 per cent of child and juvenile prostitutes came from the former German Democratic Republic. Ninety per cent of them were boys. The girls, who were all German, were between 11 and 18 years of age. There were German boys between 15 and 20 years of age, Polish boys between 14 and 16 and Romanian boys who were older. There was also an increase in the number of Turkish boys. The younger prostitutes were often afraid to ask for the use of condoms and there was therefore an extremely high rate of AIDS infection. The children also suffered from bruises, cuts, skin diseases, hepatitis, venereal diseases and functional disturbances caused by alcohol or drug abuse. Their partners were often repeat offenders in the professional classes. Minor prostitutes were frequently picked up by the police, but very little action was taken against their clients.

72. Her organization recommended that the Commission should invite all States unreservedly to ratify and implement the United Nations Convention on the Rights of the Child; to adopt the draft programme of action for the prevention of the sale of children; to consider sexual violence against children as torture and child prostitution and pornography as slavery and a crime against humanity; to reintegrate sexually abused children and child prostitutes into society, develop rehabilitation and therapy programmes and fully support organizations working in the field concerned; and to place the question of the rights of the child on the agenda of the World Conference on Human Rights as a priority issue.

73. Ms. ALTUNA de SANCHEZ (Christian Democrat International) said that the ending of the Gulf war, the collapse of the communist dictatorships in Central Europe and the quelling of the coup d'état in the Soviet Union, which had speeded up the establishment of democracy in the new Republics, were certainly events that had encouraged hopes for a new international order. Although such hopes had not been entirely frustrated, the expectations had not been met. The genocide of the Kurdish people, the war in Yugoslavia, interminable wars in Africa, guerrilla warfare and ethnic or religious conflicts in various countries of the Asian subcontinent and in Latin America, growing terrorism and manifestations of intolerance and racism in various European countries and the scourge of drug trafficking and drug terrorism financed from the same source had brought home the fact that it was less difficult to win wars on the battlefield than to make lasting improvements in the quality of human life.

74. Although such scourges were an evil for mankind as a whole, they had a particularly harmful effect on children and young people, who had no defence against them, suffered permanent damage and passed on to future generations the evils against which they should have been protected.

75. During the past decade, 1.5 million children had died in wars, 4 million had been disabled for life and 12 million had been left homeless and without a family. Evidence of that was to be seen in the heavily populated areas of the major cities or in the towns of such countries as Viet Nam, Cambodia, El Salvador, Nicaragua, Liberia, Ethiopia, Angola, Iraq and the Islamic Republic of Iran.

76. In Europe, the war in Yugoslavia daily demonstrated the phenomenon to which she had referred. It was the children who were suffering the most, in the loss of hundreds of lives in the cities attacked by the armies of one side or the other. Thousands of children had been orphaned and hundreds of thousands had witnessed the disappearance of their family and school environment, all of which had left indelible emotional and psychological marks on them and seriously damaged their physical and mental development. Children had also been among the main victims of the Iraqi invasion of Kuwait.

77. A striking example of discrimination was that against Albanian children in Kosovo. According to information submitted by the Council for the Defence of Human Rights in Pristina-Kosovo, the closure of educational establishments had deprived 450,000 children of their right to education. As a result of the destruction of the health system and the arbitrary dismissal of 1,517 doctors and auxiliary workers, some 40 to 50 per cent of children in Kosovo had been unable to be vaccinated against diphtheria, tetanus and poliomyelitis. For the same reason, infant mortality of the newborn had reached the highest level in Europe.

78. In 1991, 12 children had been beaten by the police and 2 of them had died as a result. Because their parents had become unemployed, 450,000 children in Kosovo had been deprived of their social and child security rights. That was the situation in an area of Yugoslavia where no military conflicts were at present taking place, but it illustrated the type of injustice and abuses that preceded and not infrequently caused conflict.

79. It was not only discrimination and persecution on racial or ethnic grounds that affected children in various parts of the world, however. There was also discrimination for ideological reasons in such countries as China, Cuba and Viet Nam, where minorities with beliefs or ideologies that differed from the official line were denied the universal right to educate their children according to their own beliefs, and their children were marginalized.

80. The exploitation of child labour and the sexual exploitation of minors were particularly rife in Latin America, Africa and the Asian subcontinent. According to one report published in New York following an investigation in early 1991, a network of dealers in child labour in Haiti was supplying 8 to 16-year-olds to cut sugar-cane in the Dominican Republic, under conditions that amounted to slavery. A case where minors were obliged to work for 18 hours each day in textile sweat-shops in Thailand had been disclosed at

the end of the same year. Their miserable conditions of employment naturally led the victims of such practices into the seemingly less arduous environment of prostitution and drugs.

81. The assassination of street children by infamous "death squads" in several countries periodically made headlines. In Brazil, where the phenomenon had reached staggering proportions, over 300 children were said to have been murdered in the first 10 months of 1991 in Rio de Janeiro alone; the claim that there had been a token reduction in the figures in comparison with 1990 was a meagre consolation. There were reports from Colombia that even the bodies of deceased children were used as camouflage in drug-trafficking operations.

82. What had happened to the commitments entered into at the New York Summit held in September 1990? There was obviously an enormous gap between what could be and what was actually being done on behalf of the world's children. How could the international community, which had spared no effort to expel the Iraqi invader from Kuwait, justify its failure to put enough economic, human and technological resources into the struggle for human dignity? The call by organizations such as UNICEF for maximum priority to be accorded to children must be heeded as one of the basic ethical imperatives of a new international order. As a conditional of development aid, beneficiary countries should be obliged to devote a minimum percentage of the assistance they received to programmes for children. Disarmament and the reduction of excess military expenditure could release further resources that could be used for the benefit of the rising generations. It was not necessary for a country to be immensely rich in order to place the protection and promotion of the rights of the child on a sound legal, institutional and practical footing: the example of Costa Rica should be applauded and emulated.

83. Ms. BRUCE (International Catholic Child Bureau), speaking on behalf of 10 non-governmental organizations, said that the sexual exploitation and abuse of children, which could take particularly obscene forms and constituted a gross violation of children's rights and an affront to their dignity, were widely accepted as being on the increase; no region of the world was spared the drastic effects of that trend. Sad to say, the current eagerness of some Governments to talk about the issue was due more to the threat of the AIDS pandemic than to any sudden concern for the rights and dignity of the child.

84. The NGO Group on the Convention on the Rights of the Child had been cooperating with the Special Rapporteur on the sale of children, child prostitution and child pornography whose report (E/CN.4/1992/55 and Add.1) provided a commendable overview of the present situation. The Group had also been following the drafting of a programme of action and had a number of recommendations to make in connection with both the report and the programme.

85. First, Governments should make the fight against the sale of children, child prostitution and child pornography a matter of nationwide priority; replace laxity and complicity with an uncompromising stand on repressive and educational measures with regard to intermediaries and clients; and take curative and preventive, rather than culpabilizing, steps in respect of the children involved. More specifically, members of the police and the judiciary found to be involved in the sale or sexual exploitation of children should be

brought to justice; renewed efforts should be made to identify and prosecute the networks, racketeers or intermediaries exploiting children; the force of the law and education should be brought to bear in preventing clients from turning to children in prostitution; the simple possession, and not merely the production and distribution of child pornography, should be made a crime; and community-based programmes for child victims of sexual exploitation should be initiated in accordance with article 39 of the United Nations Convention on the Rights of the Child.

86. Next, prostitution should be regarded as a phenomenon based on more than straightforward socio-economic factors; what was needed was an analysis of child prostitution, accompanied by appropriate intervention programmes, which took proper account of the non-material, psycho-social, spiritual and cultural factors governing entry into prostitution; due significance should be attached to the Special Rapporteur's finding that criminal elements and the demand factor, both at home and abroad, had led to an increase in child prostitution in recent years.

87. Lastly, the measures proposed by the Special Rapporteur and in the draft Programme of Action should be taken into account in national preparations for the International Year of the Family in 1994.

88. The NGO Group also wished to make a number of more detailed recommendations concerning the Special Rapporteur. Firstly, he should endeavour to obtain more information on the areas identified as insufficiently documented, including the sale of organs and other forms of sale. He should prioritize his own recommendations with due regard for the specific responsibilities of the State with regard to law enforcement, police training and so on and for measures that could be implemented at once, irrespective of the prevailing economic climate. He should also be requested to make very explicit recommendations on the types of action that could be taken by States, for example in connection with the particular vulnerability of domestic workers to sexual abuse and sale into prostitution. Lastly, he should be invited to explore possiblities of cooperation with other United Nations Special Rapporteurs on related topics.

89. The NGO Group recommended that the draft Programme of Action should be adopted without delay, that Governments should be invited to report in two years' time on its implementation and that the Commission on Human Rights should initiate an effective follow-up procedure for the Programme as a complement to efforts by the Committee on the Rights of the Child.

90. Noting that reporting by States parties to the Convention on the Rights of the Child would be due every five years, she suggested that, where contemporary forms of slavery were concerned, progress reports to the international community should be more frequent. To that end, the organizations in whose name she spoke proposed the following three-pronged overall strategy. First, the Working Group on Contemporary Forms of Slavery should become a forum for the discussion and formulation of model laws, policies and programmes to combat, inter alia, the exploitation of children. Resources from the Trust Fund approved by the United Nations General Assembly should enable more experts to attend meetings of the Working Group and help it to prepare sound blueprints for future action.

91. Secondly, such blueprints and the findings of the Working Group should constitute the basis for the deliberations of the Committee on the Rights of the Child in considering the reports of States parties and help the Committee to monitor progress. Thirdly, the Special Rapporteur should endeavour to be present at meetings of the Working Group and of the Committee to ensure that there was no overlapping in activities and that progress was made in the various discussions.

92. It was gratifying to the non-governmental organizations to see that their work was appreciated by some Governments as they endeavoured to collaborate in combating violations of children's rights. Together, new alliances were already being forged and new priorities set. Several Government representatives had already referred to the ECPAT (End Child Prostitution in Asian Tourism) campaign, which had spawned a variety of initiatives in Asia as well as in Western countries. The major conference in Bangkok to be organized by ECPAT during the first week of April 1992 would evaluate achievements so far and determine priorities for the coming 18 months. In West Africa and in Latin America, NGOs had been joining forces, often with the support of UNICEF, in confronting gross violations of children's rights.

93. Laxity on the part of law enforcement officials had left those who exploited children immune for far too long. The time had come to take a firm stance and make it clear to all that the dignity and rights of the child could no longer be trampled in the dirt.

94. Mr. MACPHERSON (Friend's World Committee for Consultation) said that his organization particularly welcomed the section of the report by the Special Rapporteur (E/CN.4/1992/55 and Add.1) dealing with the recruitment of children into armed forces and their participation in armed conflicts, matters on which the Quakers had recently published a comprehensive report covering a score of countries, together with a number of remedial recommendations.

95. During the drafting of the Convention on the Rights of the Child, the majority of Governments had sought to improve on existing humanitarian law, notably by raising the age limit for participation in armed conflicts from 15 to 18 years. Only the United States of America had been opposed to the strengthening of article 38 of the Convention, which set the minimum standard in that regard, while the representative of Sweden had committed his Government to continued efforts to improve that standard, and it was gratifying to note that the delegations of Argentina, Colombia, Ecuador, Spain and Uruguay had made declarations, when ratifying the Convention, concerning the inadequate protection afforded to children by that article.

96. In the light of the Special Rapporteur's own views on the matter, as set out in paragraph 127 of his report, the Friend's World Committee for Consultation proposed that States should be encouraged to declare unilaterally that they would not recruit young persons below the age of 18 into their armed forces and that consideration should be given to the possibility of adding an optional protocol to the Convention on the Rights of the Child which would permit ratifying States to agree not to recruit persons under 18 years into

their armed forces; alternatively, States parties to the Convention might wish to consider raising the age limit in article 38 by proposing an amendment under article 50.

97. Ms. BRIDEL (International Association of Democratic Lawyers) said that her Association had examined with particular interest section I.C. of the report by the Special Rapporteur (E/CN.4/1992/55) dealing with organ transplantation for gain, since it had, in 1991, specifically requested the Working Group on Contemporary Forms of Slavery to address that issue.

98. She presumed that, when the Special Rapporteur stated in paragraph 102 of the report that some of the allegations and counter-allegations on the subject had "an ideological slant", he was referring to an incident in 1987 when an article in a Soviet newspaper based on reports from Latin America concerning the existence of a trade in human organs, especially organs taken from children, had been dismissed in the United States as a piece of cold-war disinformation. Circumstances had changed since then, but, in view of the fact that similar reports continued to flow in from Latin and Central America and Asia, the time had perhaps come to depoliticize the subject and to treat it with all due seriousness.

99. In paragraph 112 of his report, the Special Rapporteur stated that laws and law enforcement alone were not enough to eradicate the problem, that community action and vigilance were called for and that the ethics of the medical sector itself must come into play. In that connection, she recalled that, as far back as 1987, the attention of the French National Committee on Ethics had been drawn to the terrible traffic in children for the purpose of organ transplantation.

100. Although the Special Rapporteur had referred to the Guiding Principles on Human Organ Transplantation recently adopted by the World Health Organization, he had not drawn the Commission's attention to the very dangerous ambiguities of a number of texts from other sources, such as the final report adopted by the Conference of Ministers of Health of the Council of Europe in November 1987 and a law adopted in the United States of America in the same year, which failed to rule out the possibility of monetary compensation in connection with human organ transplantation. There certainly seemed to be loopholes in current domestic and international legislation which paved the way for abuse and encouraged illegal profiteering by networks that could only be described as criminal.

101. According to paragraph 109 of the Special Rapporteur's report, no Government so far had stated that the sale of children's organs had taken place on its territory. She nevertheless noted that, according to paragraph 38 of document E/CN.4/Sub.2/1990/43, Mexican children had been reliably stated to have been adopted for various illicit purposes, including the sale of their organs.

102. Admittedly, such matters always hinged on proof. But what proof was necessary beyond a demonstration of the functioning, in connection with organ transplantation, of the law of supply and demand, as evidenced by the arrangements known to exist between private, profit-making clinics in the

countries of recipients and donors? Surely it was more than supposition to consider that, as demand outstripped supply, the death squads responsible, and paid, for the disappearance of abandoned, unwanted and marginalized children in Brazil and other countries might be tempted to enter that lucrative market. There was an increasing amount of information from trustworthy sources to support that contention.

103. In view of the extreme seriousness of the issue, her Association, which hoped that the Special Rapporteur would continue to deal with it and take advantage of his many missions in order to compile reliable information, intended to use its own modest resources to conduct its own inquiries. It would submit its findings to the Working Group on Contemporary Forms of Slavery.

104. Drawing attention to the fate of the children of Iraq, she said that the reports by the Special Representative of the Secretary-General made it impossible not to appeal for a lifting of the embargo so that those innocent victims might be fed and receive medical care.

The meeting rose at 9.15 p.m.